

E-Filed: April 1, 2014

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CESAR GONZALEZ MARROQUIN and
VINCENT DE LA TORRE

No. C13-00421 HRL

Plaintiff,

**INTERIM ORDER ON PLAINTIFFS'
DISCOVERY DISPUTE REPORT #1**

v.

[Re: Docket No. 38]

ASHRON CONSTRUCTION &
RESTORATION, INC., ET AL.,

Defendants.

Plaintiffs Cesar Gonzalez Marroquin and Vincent De La Torre bring federal and state wage and hour claims against Defendants arising from their work on various public works projects. During discovery, Plaintiffs requested production of time and payroll records, some of which Defendants produced. Plaintiffs assert that as to Marroquin they still require time and payroll records for 2009 and part of 2010 through 2011, and as to De La Torre they still need time and payroll records for all but one project from 2009 through 2010. Fact discovery cutoff was March 14, 2014, and consequently the last day to file a report seeking an order to compel was March 21. On that date, Plaintiffs unilaterally filed the instant Discovery Dispute Report. "Essentially, this Report memorializes an agreement that Defendants will produce any remaining responsive documents or a statement that the documents do not exist." Although Defendants did not participate in the Report, Plaintiffs represent that the "parties propose" a deadline of Friday, March 28, 2014.

1 If Defendants have not yet made their production pursuant to the purported agreement, then
2 within three days from the date of this order, the parties shall meet and confer in person, and if
3 necessary, file a Joint Supplement not to exceed five pages in which (1) Plaintiffs indicate what
4 documents it believes are still missing, and (2) Defendants explain why they have not (or whether
5 they believe they have) produced the requested documents or a statement that they do not exist.
6 Alternatively, if Defendants have already made their production or the parties otherwise resolve the
7 dispute, then within the same three day period, Plaintiffs shall file a Notice withdrawing their
8 Discovery Dispute Report.

9 **IT IS SO ORDERED.**

10 Dated: April 1, 2014

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13 HOWARD R. LLOYD
14 UNITED STATES MAGISTRATE JUDGE
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C13-00421 Notice will be electronically mailed to:

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